IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 10060 of 2004

Between:

Dt. Tatayyalu, Medical Officer, Government Homeo Dispensary,
Kurlakota Village, R/o Amadalavalasa,
Srikakulam District.

..... PETITIONER

AND

1 The Authority u/s 20 of the Minimum Wages, Act cum Labour Officer, Srikakulam.
2 B. Appala Naidu, S/o. Senapathi,
R/o. Novanambadu Village, Srikakulam Mandal and District.
3 K. Ramanamma, W/o. Narasimhulu,
R/o. Novanambadu Village, Srikakulam Mandal and District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue such appropriate writ direction or order more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in not summoning the listed documents mentioned in M.W.MP.No. 13/3 in M.W. No. 147/01 by the petitioner is illegal, contrary to law and direct the respondent No.1 herein entertain the Misc. petition filed by the writ petitioner in M.W.MP No. 13/2003 in M.W.No.147/01 on the file of the 1st respondent,

Counsel for the Petitioner: MR.S.PRASADA RAO

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent Nos. 2 and 3:----

The Court at the admission stage Made the Following :

ORDER:

The present writ petition is filed questioning the action of the 1st respondent in not summoning the listed documents mentioned in M.W.M.P.No. 13 of 2003 in M.W.No. 147 of 2001 filed by the petitioner, as illegal.

A case was pending before the 1st respondent authority for the purpose of proving the case of the writ petitioner. A petition is filed summoning certain documents from the Mandal Revenue Officer, Amadalavasala and the said petition was dismissed by the 1st respondent, as the documents said to be marked through the custodian Officer but not the petitioner.

Even according to the first appellate authority, the petition is not filed by the petitioner to summon the concerned Officer for marking documents. So, the petitioner ought to have filed a proper application before the 1st respondent. Since the matter is pending for the last three years before the 1st respondent authority, it can be disposed of at the stage of admission. This order will not cause any prejudice to the respondents 2 and 3 because even if the witness is summoned, they will have a right to cross-examine such witness.

The learned Standing Counsel for Labour appearing for the 1st respondent also did not oppose the same.

In view of the facts and circumstances of the case, the Writ Petition is disposed of directing the writ petitioner to file an application for summoning the Mandal revenue Officer along with documents and the same has to be disposed of after giving an opportunity to the respondents 2 and 3 in accordance with law. In the circumstances, no order as to costs.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

TO

1. The Authority U/s 20 of the Minimum Wages Act-cum-
   Labour Officer, Srikakulam, Srikakulam District.

2. Two CCs to the Government Pleader for Labour, High Court
   Buildings, Hyderabad (O.U.T.)

3. Two CD Copies.

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